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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,382	03/19/2008	Edward McCloskey	1817-0168PUS1	5507
2292 7590 05/18/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER DURAND, PAUL R	
			ART UNIT 3721	PAPER NUMBER
			NOTIFICATION DATE 05/18/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/566,382	Applicant(s) MCCLOSKEY, EDWARD	
	Examiner PAUL R. DURAND	Art Unit 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 29-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/16/08, 1/30/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29-31, 33, 34, 37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sosalla et al. (US 2003/0022781) in view of Bullock et al. (US 2002/0151452).

Sosalla discloses the invention as claimed including forming/utilizing a web of hydro-entangled cotton material 31, layering the material, removing excess moisture, impregnating the material with a cleansing liquid, forming a plurality of pads 22 having a tear away link, zigzag folding the pads and inserting the pads into a dispenser 10, having an opening (see figures 1, 3, 4, 9 and para. 0053-0061).

What Sosalla does not disclose is the material having a dry weight in the range 170-250 or 200-250 grams per square meter. However, Bullock teaches that it is old and well known in the art at the time the invention was made to manufacture a web of pre-moistened hydro-entangled material with a dry weight of up to 200 grams per meter for the purpose of manufacturing a durable wipe which can hold a predetermined amount of moisture (see para. 0068).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Sosalla with the

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material dry weight as taught by Bullock for the purpose of manufacturing a durable wipe which can hold a predetermined amount of moisture.

3. Claims 32, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sosalla and Bullock in view of Nakamura (US 5,152,121).

In claims 32 and 38, the modified invention of Sosalla discloses the invention as claimed including zigzag folding a manufactured, pre-moistened pad and subsequent packaging into a container. What the modified invention of Sosalla does not disclose is the arrangement of pad into a roll. However, Nakamura teaches that it is old and well known in the art at the time the invention was made to form a web of pre-moistened material into a roll for the purpose of providing a web of material which can be easily removed from a container (see figures 1 and 7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Sosalla with the formed roll as taught by Nakamura for the purpose of providing a web of material which can be easily removed from a container.

In claim 40, Sosalla discloses the invention as claimed including a cleansing strip comprising a plurality of interlinked hydro-entangled cotton wool cleansing pads 22, joined together edge to edge by tear-away links 25 (see figures 1, 3, 4, 9 and para. 0053-0061).

What Sosalla does not disclose is the material having a dry weight in the range 170-250 or 200-250 grams per square meter and the rolling of the material and placement into a container. However, Bullock teaches that it is old and well known in

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the art at the time the invention was made to manufacture a web of pre-moistened hydro-entangled material with a dry weight of up to 200 grams per meter for the purpose of manufacturing a durable wipe which can hold a predetermined amount of moisture (see para. 0068). Moreover, Nakamura teaches that it is old and well known in the art at the time the invention was made to form a web of pre-moistened material into a roll for the purpose of providing a web of material which can be easily removed from a container (see figures 1 and 7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Sosalla with the material dry weight as taught by Bullock and rolling the material in lieu of folding for the purpose of manufacturing a durable wipe which can hold a predetermined amount of moisture in a container.

4. Claims 35, 36, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sosalla and Bullock in view of Nakamura et al. (US 5,344,007).

The modified invention of Sosalla discloses the invention as claimed as applied to claim 33 above including the formation of a web of cleaning strips, having a dry weight of up to 200 grams per meter. What the modified invention of Sosalla does not disclose is the impregnation of cleansing liquid and removal of excess moisture. However, Nakamura teaches that it is old and well known in the art to provide a web of material which is immersed in a liquid and subsequently compressed to remove excess liquid (see col. 5, line 56—col. 6, line 8 and col. 8, line 32-48).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Sosalla with the wetting method as taught by Nakamura for the purpose of forming a stack of pre-moistened wipes.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. DURAND whose telephone number is (571)272-4459. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAUL R. DURAND/
Primary Examiner, Art Unit 3721
May 14, 2009